

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE GRAND JURY SUBPOENA
PROCEEDING v. CORREIA, et al

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) Docket No. 05-MC-10206-MBB
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UNOPPOSED MOTION FOR DEPOSITIONS

Certain material witnesses in the above-captioned matter, Maurice Correia, Joe Cherian, Jagdish Chand, Raj Rajesh Fernando, Ranjish Mukulam and Ankur Srivastav (the “Material Witnesses”), hereby move, pursuant to Federal Rule of Criminal Procedure 15(a)(2), for an Order that their depositions be taken.¹ As grounds for this Motion, the witnesses state as follows:

1. On May 19, 2005, in connection with a grand jury proceeding involving alleged improper discharges of oil on the MSC Elena, a foreign flag cargo vessel, the government applied for – and this Court issued – material witness warrants under 18 U.S.C. § 3144 against, *inter alia*, the Material Witnesses, all of whom are Indian nationals and crewmembers on the Elena.

2. The present grand jury proceeding has resulted in the filing of two criminal cases in this District. On September 30, 2005, the government filed an Information against Aman Mahana. *See United States v. Aman Mahana*, 05-CR-10269-

¹ Although the depositions will likely be taken pursuant to *United States v. Singh*, 05-CR-10274-PBS, a criminal case spawned from the present grand jury proceeding, the material witness warrants only secure the witnesses’ presence in connection with the matter at bar. Accordingly, the witnesses believe that the present motion is properly filed in the above-captioned proceeding and that they technically lack standing to bring this motion directly in the *Singh* action. However, a courtesy copy of this motion is being filed with Judge Saris’ clerk due to the obvious overlap of issues.

WGY. On October 6, 2005, the grand jury returned an indictment against Mani Singh.

See United States v. Mani Singh, 05-CR-10274-PBS & n.1, *supra*.

3. Counsel for the Material Witnesses has been in regular contact with counsel for the government and counsel for Mr. Singh. All counsel have agreed to a deposition schedule which would commence on November 30, 2005 and continue over the following week until all of the Material Witnesses have been deposed. Notably, counsel for Mr. Singh has informed the undersigned that his client and the government are close to an agreement in principle by which Mr. Singh would plead guilty and which would obviate the need for any depositions being taken. However, until that agreement is finalized, the filing of the present motion remains necessary.

4. Based on the above, the Material Witnesses move for an Order that their depositions be taken pursuant to Fed. R. Crim. P. 15(a)(2). Notice is being provided to all parties simultaneously herewith.

5. Granting this Motion serves the interests of justice.

WHEREFORE, the Material Witnesses respectfully request that the Court grant this Motion.

Respectfully submitted,

Maurice Correia
Joe Cherian
Jagdish Chand
Raj Rajesh Fernando
Ranjish Mukulam
Ankur Srivastav

By their attorneys,

/s/ Douglas S. Brooks
Frank A. Libby, Jr. (BBO No. 299110)
Douglas S. Brooks (BBO No. 636697)
KELLY, LIBBY & HOOPES, P.C.
175 Federal Street
Boston, MA 02110
(617) 338-9300

Dated: November 23, 2005